UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

CAROL LEITNER,

Plaintiff,

12-CV-3778 (CS)

-against-

**ORDER** 

WESTCHESTER COMMUNITY COLLEGE, et al.:

:

Defendants.

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Seibel, J.

For the reasons stated on the record at a conference held March 24, 2014, the Motion to Dismiss of Westchester Community College ("WCC") and the Individual Defendants

(collectively, "WCC Defendants"), (Doc. 50), is GRANTED IN PART and DENIED IN PART,

and the Motion to Dismiss of WCC Federation of Teachers Local #2431 ("Union"), (Doc. 66), is

DENIED. The Court finds that WCC is not entitled to sovereign immunity. Only the following

claims will go forward:

1. Retaliation under the First Amendment of the Constitution and Article 8, § 1 of the New

York Constitution against WCC and the Individual Defendants in their official capacity;

2. Breach of the Duty of Fair Representation against the Union; and

3. Breach of the Collective Bargaining Agreement against WCC.

All other claims are dismissed. The Motions, (Docs. 50, 66), have already been terminated.

SO ORDERED.

Dated: March 31, 2014

White Plains, New York

Cathy Seifel